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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>MS1 -784US</b>							
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature <u>N/A - Filed by RFS WRB</u>  Typed or printed name _____		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Application Number <b>09/817,808</b></td> <td style="width: 50%; padding: 5px;">Filed <b>3/26/2001</b></td> </tr> <tr> <td colspan="2" style="padding: 5px;">First Named Inventor <b>Jason McCartney</b></td> </tr> <tr> <td style="padding: 5px;">Art Unit <b>2143</b></td> <td style="padding: 5px;">Examiner <b>Kyung H Shin</b></td> </tr> </table>		Application Number <b>09/817,808</b>	Filed <b>3/26/2001</b>	First Named Inventor <b>Jason McCartney</b>		Art Unit <b>2143</b>	Examiner <b>Kyung H Shin</b>
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<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> applicant/inventor.   <input type="checkbox"/> assignee of record of the entire interest. (See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)   <input checked="" type="checkbox"/> attorney or agent of record.      59136 Registration number _____   <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____         </div> <div style="width: 45%; text-align: center;">             _____            Signature  <b>Chris Culberson</b>            _____            Typed or printed name            509-324-9256 X261            _____            Telephone number  <b>3/13/2007</b>            _____            Date         </div> </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <input type="checkbox"/> *Total of _____ forms are submitted.         </div>									

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. .... 09/817,808  
Filing Date ..... March 26, 2001  
Inventorship ..... McCartney, et al.  
Applicant..... Microsoft Corporation  
Group Art Unit..... 2143  
Examiner ..... Shin, K. H.  
Attorney's Docket No. .... MS1-784US  
Title: METHODS AND SYSTEMS FOR PROCESSING MEDIA CONTENT

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

To: Commissioner of Patents and Trademarks  
Washington, D.C. 20231

From: Christopher J. Culberson (Tel. 509-324-9256; Fax 509-323-8979)  
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**I. The Office's rejections omit one or more essential elements required for a prima facie case of obviousness.**

**The rejections over Meyer in view of Srivastava**

Claims 1-19, 21-27, 39-47, 56-62 and 69-71 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Meyer in view of Srivastava.

**Regarding Independent Claims 1, 8-10, 19, 27, 39, 47, 56, 61 and 69:**

The Office argues that the combination of Meyer and Srivastava discloses or suggests all of these claims' recited features. However, as discussed in the Office Action Response of November 20, 2006 (hereinafter "Response of 11/20/2006"), neither reference discloses or suggests the feature of:

- **if no logical ID is found that corresponds to the physical ID, attempt[ing] to establish a logical ID for the physical ID by causing a Wizard user interface (UI) to be presented to a user via a client computer so that information pertaining to the user's specific media can be collected from the user....**

The Office argues that Meyer discloses this particular feature of the claims under discussion. The pertinent section of Meyer cited by the Office is excerpted below:

In the event that a media object is not linked, the decoding and server processes can be programmed to enable the user to purchase a link for the object. For example in one scenario, the player plug-in displays a graphic for a link information indicating that the link is available after determining that an OID is not in the file. If the user clicks on the graphic, the plug-in displays more information about the procedure for **purchasing or renting a link**. This information may be provided in conjunction with querying the server and displaying information returned from the server, or alternatively, providing pre-programmed information incorporated into the plug-in. **If the user is interested in purchasing the link, he or she can then enter input (e.g., click on a button such as "Get Link") that initiates the process of registering an OID with the object and associating metadata or actions with the OID.** The process of registering the OID and associating the OID with metadata or actions may be performed as described in this document. This scenario provides yet another mechanism for transforming content into connected content. Meyer at paragraph 31, lines 1-20 (emphasis added).

Based on the cited sections of Meyer, the Office further argues that "Meyer discloses a registration process wherein an identifier (i.e., a logical identifier) is linked with a database record, which associates the identifier with data." Office Action of 1/30/2007 at page 15. Whether or not Meyer teaches the particular registration process as Office alleges, Meyer nonetheless fails to disclose or suggest the above-mentioned feature of the claims under discussion. As highlighted in the excerpt above, Meyer gives a user the option of "purchasing or renting a link" and, to do so, a user can "enter input (e.g., click on a button...)." Nowhere in this section or elsewhere does Meyer disclose or suggest attempt[ing] to establish a logical ID for the physical ID by causing a Wizard user interface (UI) to be presented to a user via a client computer so that information pertaining to the user's specific media can be collected from the user. Meyer simply gives a user the option or purchasing or renting a link, but does not collect information pertaining to the user's specific media from the user. This feature is clearly missing from the cited references. Accordingly, Applicant submits that the Office has failed to establish a prima facie case of obviousness with respect to these claims for at least the

reason that the cited references clearly fail to disclose or suggest all of these claims' recited features.

**The rejections over Jaeger in view of Suganuma**

Claims 29-34 and 36-38 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Jaeger in view of Suganuma.

**Regarding independent claim 29**

The Office argues that the combination of Jaeger and Suganuma discloses all of this claim's recited features. However, as discussed in Response of 11/20/2006, the Office has failed to present any argument as to how this combination of references discloses or suggests the recited feature of "wherein different instances of a specific media with the same content thereon are associated with different physical IDs that are mappable to the same logical ID." Accordingly, Applicant submits that the Office has failed to establish a prima facie case of obviousness with respect to this claim for at least the reason that the Office has failed to establish (or even address) if and/or how the cited combination of references discloses or suggests all of this claim's recited features.

**Regarding independent claim 36**

The Office argues that the combination of Jaeger and Suganuma discloses all of this claim's recited features. While Applicant notes multiple deficiencies in the Office's arguments with respect to this claim (as noted in Response of 11/20/2006), Applicant specifically points out that neither reference discloses or suggest the feature of "if the second search is unsuccessful, search the first table using a third search, **the third search comprising a higher cost search than the first search...**" (emphasis added). The Office cites to Jaeger as allegedly teaching this particular feature. However, nowhere does Jaeger make any mention whatsoever of a third search, much less a third search comprising a **higher cost search** than a first search. This feature is clearly missing from Jaeger.

**The rejections over Jaeger in view of Suganuma and further in view of Srivastava**

Claims 35, 51 and 55 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Jaeger in view of Suganuma and further in view of Srivastava.

**Regarding independent claim 35**

The Office argues that the combination of Jaeger, Suganuma and Srivastava discloses all of this claim's recited features. However, as discussed above with respect to claim 36, Jaeger simply fails to disclose or suggest the feature of "if the second search is unsuccessful, search the first table using a third search, **the third search comprising a higher cost search than the first search**" (emphasis added). Accordingly, Applicant submits that the Office's prima facie case of obviousness fails for at least this reason.

**Regarding independent claim 51**

The Office argues that the combination of Jaeger, Suganuma and Srivastava discloses all of this claim's recited features. However, as discussed in Response of 11/20/2006, the cited references fail to disclose or suggest at least the feature of "at least one other less trusted table containing multiple physical IDs and multiple logical IDs, individual physical IDs being mapped to individual logical IDs." In point of fact, the cited references make no mention of "trusted tables", much less "one other less trusted table" as recited in claim 51. Accordingly, Applicant submits that the Office's prima facie case of obviousness fails for at least this reason.

**The rejections over Milsted**

Claims 72-76 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Milsted.

**Regarding independent claim 72**

The Office argues that Milsted discloses all of this claim's recited features. However, as discussed in Response of 11/20/2006, Milsted fails to disclose or suggest at least the feature of "statistically evaluating the entries to determine, for each physical ID,

a most likely logical ID match.” In point of fact, Milsted makes no mention of **any** type of statistical analysis, much less matching a logical ID with a physical ID. This feature is simply missing from Milsted.

Regarding independent claim 74

The Office argues that Milsted discloses all of this claim’s recited features. However, as discussed in Response of 11/20/2006, Milsted fails to disclose or suggest the subject matter of this claim, particularly with respect to the features of:

computing a distribution of logical IDs for a given physical ID, the distribution describing, for each logical ID, the number of times the physical ID has been mapped thereto; and  
adding to the distribution, an entry that corresponds to a current trusted logical ID mapping.

Milsted simply fails to make any mention of subject matter remotely resembling these particular features. Accordingly, Applicant submits that the Office’s prima facie case of obviousness with respect to claim 74 fails for at least this reason.

Conclusion

The Office’s basis and supporting rationale for the objections discussed above are not supported by the teaching of the cited references. Applicant respectfully requests that the objections and rejections be overturned and that the pending claims be allowed to issue.

Dated: 7/13/2007

Respectfully Submitted,

By: 

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